

# BOARD OF SUPERVISORS

*Brown County*



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Judge Thomas Walsh

## **CRIMINAL JUSTICE COORDINATING BOARD**

**Thursday, September 21, 2017**

**8:00 a.m.**

**Brown County District Attorney's Office  
Truttman Room, First Floor  
300 E. Walnut Street  
Green Bay, Wisconsin**

1. Call meeting to order.
2. Approve/modify agenda.
3. Approve/modify minutes of July 13, 2017.
4. Jail population numbers including pre-trial detentions (Larry Malcomson).
5. Jail overcrowding issue upon referral from Brown County Public Safety Committee.
6. Such other matters as authorized by law.
7. Adjourn.

Honorable Thomas Walsh, Chair

Notice is hereby given that action by Committee may be taken on any of the items which are described or listed in this agenda. Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda.

**PROCEEDINGS OF THE BROWN COUNTY  
CRIMINAL JUSTICE COORDINATING BOARD**

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the Brown County Criminal Justice Coordinating Board was held on July 13, 2017 at 8:00 am in the Truttman Room of the Brown County District Attorney's Office, 300 East Walnut Street, Green Bay, Wisconsin.

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**Present:** Chair Judge Walsh, Sheriff John Gossage, Jail Captain Larry Malcomson, Health & Human Services Director Erik Pritzl, Family Services DRC Representative Angela Steuck, Citizen Representative Tim McNulty, Director of Outagamie County Criminal Justice Treatment Services Bernie Vetrone, Judge Zuidmulder, TAD Grant Coordinator Mark Vanden Hoogen, District Attorney David Lasee, Public Defender Shannon Viel, Supervisor Pat Evans, Supervisor Joan Brusky, DOC Representative Jennifer Hornacek, County Executive Troy Streckenbach, Clerk of Courts John Vander Leest

**Excused:** District Court Administrator Tom Schappa, Public Defender Tara Teesch

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**1. Call Meeting to Order.**

The meeting was called to order by Chair Walsh at 8:00 am.

**2. Approve/Modify Agenda.**

Motion made by Pat Evans, seconded by Judge Zuidmulder to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**3. Approve/modify Minutes of May 11, 2017.**

With regard to Item 5 of the minutes, Sheriff John Gossage wished to clarify that notification had been given to this Board of the recently-held NIC meeting.

Motion made by Pat Evans, seconded by Judge Zuidmulder to approve as modified. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**4. Jail Population Numbers Including Pre-trial Detentions. (Larry Malcomson).**

Jail Captain Larry Malcomson informed that the jail is currently at 93% capacity and there are 60 inmates being shipped out to Shawano, Outagamie and Marquette counties. He has taken a snapshot of the jail as of Monday and on that particular day there were 686 inmates in custody in the building along with 87 inmates on home monitor and the 60 being shipped out to different counties. Of those in custody in the facility (both the huber facility and the main building) there were 191 inmates on cash bond only. There were also 68 inmates on probation holds only and 58 inmates awaiting probation revocation.

Malcomson spoke about those inmates on cash bond and indicated there are 30 inmates sitting on bonds ranging from zero dollars to \$2,000. Unless there is a concern about these people reporting for future court appearances, Malcomson's opinion is that for someone who is not a threat to the community perhaps something could be done as far as releasing them. There are 42 inmates being held on bonds from \$2,001 to \$5,000 and 38 inmates being held on bonds ranging from \$5,001 to \$10,000. There are 25 inmates being held on bonds ranging from \$10,001 - \$20,000 and 36 inmates being held on bonds ranging from \$20,001 to \$50,000. In addition there are 10 inmates being held on bonds ranging from \$50,001 to \$100,000 and 10 inmates being held on bonds ranging from \$100,001 to \$10 million dollars. Malcomson had a breakdown of inmates in these categories available for the group to view at the meeting. He continued that information such as dates of birth, future court appearance dates, charges currently that the bond is reflecting and booking dates and times have been added to the report to ensure accuracy and completeness.

With regard to the 191 inmates being held on bond, Judge Zuidmulder questioned the booking dates. The information he received is that the actual number of people coming into the jail has not increased, but the amount of time in the jail has increased. The only thing he can consistently see is the holding issue and he feels we need to figure out where in the system the holdup is. Without doing this, the jail population question cannot be properly addressed. If the holdup is addressed and the number of those on bond can be reduced, the inmates that are being shipped out could be brought back to Brown County. Judge Zuidmulder feels the aging is critical and he would like to know of these numbers, what the longest length of time a person has sat in jail is and why they are not being tried and their cases resolved. Malcomson feels the information Judge Zuidmulder is requesting could probably be obtained through a sorting mechanism in the software. Judge Walsh and Judge Zuidmulder discussed this and felt that perhaps putting the issue on the agenda for the next judge's meeting would be beneficial.

Supervisor Evans asked about the cash bonds and how the bond can be paid. It was indicated that it could be done with cash, credit card or cashier's check. Evans also asked about the probation holds. Judge Zuidmulder said there is a due process with probation holds and the person is entitled to a hearing before an Administrative Law Judge but the calendars of the Administrative Law Judges are quite busy. In addition, the defense attorneys can also ask for an adjournment. These are all things that Brown County has no control over. DOC Representative Jennifer Hornacek explained that the original probation hold is three business days supervised or extension and five business days regional office extension and there is also an administrative extension process, but that is used very rarely. The DOC tries to get these things resolved as soon as possible so they do not have to go to the regional extension, but at times if an investigation is ongoing, they do need the extension, but by the end of the time frames she just mentioned, the DOC has to act or release. Judge Walsh further explained that a probation hold is more of a brief punishment, but a revocation means the person will sit in jail until they can appear before an Administrative Law Judge, which typically takes quite a while. Hornacek said the Administrative Law Judges try to conduct hearings within 50 days of when an offender goes into custody, but Sheriff Gossage noted that that is typically not the reality. Judge Zuidmulder would also like Malcomson to try to get a breakdown of booking dates for people on probation and how long it is taking to have a revocation hearing. Health and Human Services Director Erik Pritzl asked if any of the inmates being shipped out fall under the probation hold numbers Malcomson mentioned earlier. Malcomson could not say for sure but said that typically those that are being shipped out are sentenced inmates who do not have to come back and forth for court appearances.

Evans asked for an overall explanation of what the judges look at when setting bonds. Judge Zuidmulder said the majority of bonds are set by the Court Commissioners and his opinion is that this circuit is behind the times when it comes to evaluating bonds. Bonds are evaluated on behaviors and the seriousness of the offense, not a person's willingness to appear or their safety risk in the community. This is because there has not been an instrument or any staff to tell the Court Commissioners that a person is not a risk to reoffend and there is no reason to expect the person not to show up in court. Judge Walsh said the presentation of Mr. Vetrone later in this meeting will address exactly this issue.

Hornacek clarified the 50 day goal to have a hearing before an Administrative Law Judge and said that sometimes the hearings are pushed back because of requests by attorneys to have more time. The position of the DOC is that they are ready to proceed, but often the defense attorneys will ask for an adjournment which is usually granted.

District Attorney David Lasee noted there are a number of people in the jail on dual status of cash bonds and probation holds. He would like clarification of this because the snapshot at the jail overcrowding presentation was that 70% of the population was in pretrial status. If there are 191 inmates on cash bonds only, that is less than 33% of the total jail population as opposed to the 70% figure given at the presentation. This would mean there is a significant amount of people who have a cash bond and a probation hold or are facing revocation. It is pretty common for someone to have a probation hold and a cash bond. Malcomson clarified that the 191 inmates he spoke of earlier are on cash bonds only.

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5. **PONI Study – Jail Expansion Project. (Sheriff Gossage).**

Sheriff Gossage thanked those who attended the study and noted that it was an overview of what would have to be done if the facility is added on to. It was a long study but it was good training. Pritzl thanked the Sheriff for the invitation to participate and said it was good to see the process of planning from beginning to end, although it did not specifically address the issues facing Brown County. Judge Zuidmulder said the study gives a sense of how much work goes into the entire process which is an enormous amount of work.

6. **Presentation by Bernard Vetrone – Outagamie County Justice Department.**

Judge Walsh introduced the Director of Criminal Justice Treatment Services for Outagamie County, Bernie Vetrone to the group. Vetrone said he spent 23 years with the Wisconsin Department of Corrections as a probation and parole agent and then as a corrections field supervisor. He came to Outagamie County three years ago as the Director of Criminal Justice Treatment Services. His education includes an undergrad degree in criminal justice and business administration as well as an MBA and MPA. He is very focused on efficiency and feels that government can be efficient and effective, despite what some people say.

Vetrone shared a Power Point presentation with the group, a copy of which is attached and said Outagamie County is one of 25 counties in the nation participating in evidence based decision making. This is sponsored by the National Institute of Corrections which is part of the US Department of Justice and they are looking at ways to make the system more effective and efficient. He noted the County cannot control how long it takes for a revocation hearing to be held before an Administrative Law Judge, but most probationers waive their revocation hearing. In cases with a withheld sentence, the person still has to go before the Circuit Court to be sentenced after revocation. They found delays in this process in Outagamie County so his department worked out some processes to speed this up and get the cases on the docket much earlier.

Vetrone talked briefly about treatment courts and said he really likes them. He noted though that if the right people are not getting into the treatment courts the County is probably not saving a lot of jail bed days. He also noted that treatment courts are resource intensive. Outagamie County has a Safe Streets Treatment Options Program (SSTOP) that has one case manager that supervises 100 – 150 people per year. For a significantly less amount of jail time, the judge can sentence someone to the SSTOP program. Participants see the SSTOP case manager once per month for a year and if they complete all of their conditions, such as a driver safety plan and having an ignition interlock device installed on the car for an OWI case, a significant number of jail bed days are saved. Vetrone referenced the results from a UW Milwaukee study that are contained in the packet of materials he provided that show the effectiveness of the SSTOP program. The study shows that those people that went through the SSTOP program are 31% less likely to commit another OWI than those who did not complete the program. Another benefit of the SSTOP program is that some of the offenders are diverted from probation and parole which allows that staff to focus on more criminally oriented and dangerous people in the community.

Vetrone continued that NIC is focusing very heavily on pretrial supervision and establishing pretrial justice programs. He said the day report center was great and served its function and Outagamie County was able to cut jail bed days with the day report center. There are statistics regarding the pretrial justice program in the Power Point documents. Vetrone said with the pretrial program, about the same amount of people are staying in custody, but the right people are staying in custody and the right people are getting out.

Vetrone referenced the pretrial decision making framework chart contained in the handout which was designed by the State of Wisconsin. He explained the risk assessment process designed by the Arnold Foundation where an assessor goes to the jail and does a risk assessment. This procedure is currently being used in Milwaukee and Dane counties as well as several other counties in the nation. Outagamie County hopes to get the tool in the next year and

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then it will be available for all counties to use at no charge. The tool is nine questions and the answers to those questions generate two scores. The first score provides the NCA or likelihood to commit a new criminal activity before trial and the other score, FTA, is the likelihood of failing to appear for court. The scores are placed on the grid and if they fall in the green area, the indication is the person should probably be released on a signature bond. Those who fall in the yellow area probably should be released but would need some type of monitoring and this is where the pretrial justice program comes in. Those that fall in the red area should have a cash bond implemented. Vetrone said the hope is that the Court Commissioners follow this most of the time, but noted that the chart does not take into consideration aggravating considerations and mitigating circumstances and the Judge or Court Commissioner still have the final say of what is done with the person. He noted Judges and Court Commissioners typically do not have a lot of information at the pretrial so having this tool in the toolbox to help decide who remains and who gets released is beneficial.

Evans asked for an example of someone who would fall into some of these categories. Vetrone said that NCA stands for new criminal activity before trial. A person that would generate a high FTA or failure to appear score would be someone who has failed to appear for court in the past. Age may also play a role as a younger person is more likely to commit a crime than an older person. Vetrone stressed that this is not foolproof and is not very different than what insurance companies do when they set their rates. It basically helps decision be made based on the law of averages.

Vetrone continued that a violations guide was formulated to alleviate concerns of the public defender's office who thought they would be getting calls every time someone had a dirty urine sample or some other violation. The guide is broken down into minor, moderate and severe violations. Minor violations are handled with the case manager and the client. Moderate violations are also dealt with in-house, but severe violations are reported directly to the Court.

Vetrone said he is very proud of his staff. The reason he brought this in-house is that he can control who the staff is. He likes hiring probation agents because they are trained very well by the DOC, they have good experience and they are able to balance the need of the clients with public safety. He said it is important to treat the employees right and pay them decently.

Outagamie County uses a software program named CE Pretrial which is fairly inexpensive and web based and is a case management tool. Agents make notes in the system and are able to send text messages to the defendants about appointments and court dates. The program also tracks appearance dates. Currently in Outagamie County 87% of the participants have been reporting to their case managers. Sixteen people have left the program and, of those, 14 have made it to court. The success rate is also tracked and currently in Outagamie County the success rate is 62.5%.

Vetrone concluded his presentation by saying they do not have all the answers and are still working out the processes. Some of the judges are skeptical and so are some of the public defenders and DAs because this is a big change to what has been done in the past, but the evidence shows that there has been success in reducing jail bed days and reducing recidivism and making appearance dates in other counties that have similar programs.

County Executive Troy Streckenbach asked about the other counties that participate in the SSTOP program. Vetrone said that if someone is convicted in Winnebago County but lives in Outagamie County, the case managers work together to come up with a mutual agreement for services. There is not any revenue sharing agreement between the Counties and Vetrone said that only about 10 people a year fall into this category. Vetrone noted that each county runs their programs a little bit differently. Participants are charged \$25 per month which translates to about \$20,000 - \$25,000 per year in Outagamie County.

Judge Zuidmulder asked how much technical assistance Outagamie County gets for this program and if they get any direct funding. Vetrone responded that they do not get any direct funding. There is a technical manager from the Center for Effective Public Policy that comes once a month to help guide in the decisions about the program. Vetrone

said there are differing opinions from the different stakeholders and the technical manager has been invaluable in advancing this program.

Judge Zuidmulder said that with the experience that has been developed by the other counties that have similar programs, Brown County would not have to reinvent the wheel and could instead get templates from the other Counties to find out how much the program would cost, and how successful it has been. Vetrone agreed and said that as far as pretrial justice programs go, once the Outagamie County program is fully developed, the goal is to push it out to the other counties that are interested. Vetrone said anyone from Brown County is more than welcome to visit Outagamie County to learn more or attend their evidence based decision making meetings. Judge Zuidmulder pointed out that the County was already funding some of these items before Outagamie started their programming, so the reality is that the department collected all of these people and services in one place and then created a system that most effectively used them and then added staff to the extent it was justified. If Brown County were to start a similar program, we would have to do an analysis of how much the County is already spending in the same areas and then subtract that from the operating budget to come up with the money that would have to be spent. Vetrone agreed and indicated that Outagamie County did not get new money, although they did get about \$50,000 more from the County Board because of the evidence based decision making. Pritzl asked Vetrone how long his department has been in existence. Vetrone said that it started in 1972 with the Volunteers in Probation program. About seven years ago they had three or four staff, but since he joined the department he has advocated for more staff and resources.

Judge Walsh asked who does the assessments at the jail. Vetrone responded that one of his staff members who is a retired probation and parole agent does the assessments. Judge Walsh said that one of the problems in Brown County is that we have decided upon an assessment tool to implement this fall, but we do not have anyone to do the assessments. A decision would have to be made whether we want to group all of the services under one person to coordinate it in a department-type model or keep the model we currently have and try to figure it out on a case by case basis. He noted that the assessment process is only a small piece of what Vetrone's department does, but Brown County is having a hard time getting the assessment process off the ground. He noted that whoever is going to do the assessments will need training. Vetrone said that one of the most important things is deciphering a criminal record. This is more than just looking at CCAP and that is another reason he likes to hire probation officers because they are used to looking at records.

Judge Zuidmulder said the chart provided by Vetrone shows jail population increasing, then a peak, and then decreasing and he asked what changes were made in the program before the jail population decreased that can be identified as being part of the reason the jail population went down. Vetrone feels this is attributed to the SSTOP program and noted that the treatment courts started at about the same time and could have also had an effect. At the same time probation and parole went to evidence based decision making and are not locking up as many people.

Judge Walsh said that even if the 30 people on low cash bond are let out of jail, there would still be 30 people being shipped out. Judge Zuidmulder said that even if the 30 were let out, there would still be 161 people in the jail sitting on cash bonds. The question to answer would be how many would come out if we had this instrument in place and then if an aging analysis is done, we would have to see if part of the problem is processing them and if people are sitting in the jail way too long waiting for trials, because that is not anything Vetrone's system could do anything about.

Vetrone said they also looked at those in jail on a cash bond of \$1,000 or less and whether they are just really punishing the poor people who cannot come up with the funds to post bond. He also said studies show that cash bond has no effect on someone reporting. One of the first things Outagamie County does is look at who is in the jail on cash bond of \$1,000 or less. Vetrone said that with the COMPAS assessment, about half of the people come up as high risk and the remaining people are split about evenly between medium and low risk. What they have found out is that the bond is arbitrary, but the statutes say that the individual should be booked. Judge Walsh said from his

perspective, without a tool that says someone should get out as opposed to what everyone else is saying, he would be hesitant to let the person out and this is another reason the tool is needed. The problem is to figure out whether to put someone on to interview the people and get someone trained to do it or just keep on doing things the way we are doing. Vetrone cautioned that one of the issues other counties that are doing pretrial risk assessments have fallen into is trying to get the criminal background information. In some counties, the DA will run a history, but other counties do not do that. The assessors and Health and Human Services is not typically able to get access to that because they are not a law enforcement department.

7. Future agenda items, if any. None.
8. Such other matters as authorized by law.

The next meeting date was discussed and September 21, 2017 at 8:00 am was selected.

9. Adjourn.

Motion made by Pat Evans, seconded by Troy Streckenbach to adjourn at 9:03 am. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio  
Recording Secretary

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Outagamie County



Criminal Justice Treatment Services

## Criminal Justice Treatment Services (CJTS)

- ▶ Stand-alone department – Public Safety Committee
- ▶ Yearly expenditure: \$1,044,685, Net Department Cost: \$937,899 + \$180,00 TAD Grant Funding
- ▶ 12 full time staff, 3 part time staff
- ▶ 5 to 7 student interns
- ▶ 7 to 10 student counselors
- ▶ 75 active volunteers
- ▶ Jail programming, community supervision programs, pretrial services, EBDM coordination



## CJTS Staff

- ▶ Director
- ▶ Alternative Treatment Coordinator (CJCC Coordinator)
- ▶ Jail Education Coordinator
- ▶ 2 Community Case Managers
- ▶ 3 Pretrial Case Managers
- ▶ Risk/Needs Assessor (grant funded)
- ▶ Electronic Monitoring Specialist
- ▶ 2 Jail Counselors
- ▶ 2.5 Administrative Support Staff



## Jail Programming

- ▶ Jail Education – HED/ISED Testing
- ▶ Counseling Services
- ▶ Self-Help Programming
- ▶ Huber Programming – Employment search and verifications

## Alternative Programming

- ▶ CJTS Probation (formerly VIP) – Low Risk Offenders
- ▶ Veterans Court
- ▶ Victim Impact Panel
- ▶ Safe Streets Treatment Options Program (SSTOP) – OWI 2<sup>nd</sup> and 3<sup>rd</sup> Offenses

## Pretrial Services

- ▶ Safe Exchange Program – Supervised child placement exchanges for Family Court Commissioner
- ▶ Young Adult Offender Program (YAO) – Pre-charge Diversion Program for 17 to 19 year-olds
- ▶ Pretrial Justice Program

## Pretrial Justice Program

- |   |  |
|---|--|
| <b>Day Report Center</b><br> <b>Family Services</b>                  | <b>Pretrial Services</b><br> <b>Criminal Justice Treatment Services</b> |
| <ul style="list-style-type: none"> <li>• 2.75 Staff</li> <li>• Tax Levy Impact: \$217,000</li> <li>• Annual Pretrial Defendant Capacity: 150</li> </ul> | <ul style="list-style-type: none"> <li>• 3 Staff</li> <li>• Tax Levy Impact: \$210,000</li> <li>• Annual Pretrial Defendant Capacity: 450</li> </ul>       |
| + 1 TAD Funded Position,<br>1 Full-Time Position in 2018  |  |

## Why have a Pretrial Program?

- Moderate- to high-risk defendants who are monitored are less likely to fail to appear
  - Moderate (38%)
  - High (33%)
  - Inconsistent findings for low risk
- Research shows there may be some decrease in future recidivism but too early to tell
  - Laura and John Arnold Foundation Pretrial Criminal Justice Research Summary (November 2013)  
(<http://www.arnoldfoundation.org/research/criminaljustice>)

## Why does it matter? Short term

- When held 2-3 days, low-risk defendants are almost 40 percent more likely to commit new crimes before trial than equivalent defendants held no more than 24 hours.
  - When held 4-7 days, it increases to 50 percent
  - When held 8-14 days, it increases to 56 percent
  - Failures to appear increased incrementally as well
  - High-risk defendants' performance unaffected by detention length
- Laura and John Arnold Foundation Pretrial Criminal Justice Research Summary (November 2013)  
(<http://www.arnoldfoundation.org/research/criminaljustice>)

## Why does it matter? Long term

- Correlated with recidivism: When held 2-3 days, low-risk defendants are 17 percent more likely to commit another crime within two years after completion of their cases than equivalent defendants held no more than 24 hours.
  - When held 4-7 days, the rate increases to 35 percent
  - When held 8-14 days, the rate increases to 51 percent
  - High-risk defendants unaffected
- Laura and John Arnold Foundation Pretrial Criminal Justice Research Summary (November 2013)  
(<http://www.arnoldfoundation.org/research/criminaljustice>)

## Pretrial Risk Instrument

- **Public Safety Assessment**
  - Generates risk scores on likelihood of FTA and New Criminal Activity
- 9 Questions
  - Age
  - Nature of Current Offense
  - Pending Charge
  - Prior criminal history including misdemeanors and felony's
  - Prior violent convictions
  - Prior FTA's
  - Prior incarcerations

Wisconsin Pretrial Decision Making Framework

Version 3 (10/26/2016)

	NCA 1	NCA 2	NCA 3	NCA 4	NCA 5	NCA 6
FTA 1	Level 1 & ROR	Level 1 & ROR				
FTA 2	Level 1 & ROR	Level 1 & ROR	Level 2 & ROR	Level 3 & ROR	Level 4 & ROR	
FTA 3		Level 2 & ROR	Level 2 & ROR	Level 3 & ROR	Level 4 & ROR	Level 5 & Financial
FTA 4		Level 2 & ROR	Level 3 & ROR	Level 4 & ROR	Misd. - Level 5 & ROR Fel. - Level 5 & Financial	Level 5 & Financial
FTA 5		Level 3 & ROR	Level 3 & ROR	Misd. - Level 4 & ROR Fel. - Level 5 & ROR	Level 5 & Financial	Level 5 & Financial
FTA 6				Level 5 & Financial	Level 5 & Financial	Level 5 & Financial

	Level 1	Level 2	Level 3 (Standard)	Level 4 (Enhanced)	Level 5 (Intensive)	Level 6 (Intensive)
Bail	ROR	ROR	ROR	ROR	ROR	Cash
TOT	NO	NO	Yes	Yes	Yes	Yes
Face-to-Face Contact	NO	NO	1x/month	Every other week	Weekly	Weekly
Alternative Contact	NO	1x/month	1x/month	Every other week	NO	NO
Supervised Conditions	NO	NO	As authorized	As authorized	As authorized	As authorized
Court Date Reminder	NO	Yes	Yes	Yes	Yes	Yes
Criminal History/CIS	NO	Yes	Yes	Yes	Yes	Yes

Authorized Conditions

Condition	Authorized
Drug Testing	Defendant Level 3 or greater supervision on the DMI AND Scores 3 or greater on UNCOPE AND has a history of illegal drug use/abuse
Portable Breathalyzer	Defendant Level 3 or greater supervision according to DMI AND Scores 3 or greater on UNCOPE AND (has a history of problematic alcohol use/abuse OR current alcohol abuse) OR charged with an OWI case AND qualifies for supervision
Absolute Sobriety	Defendant has UNCOPE of 3 or greater and a history of alcohol abuse or current alcohol abuse OR Police report and/or criminal complaint indicate the defendant was intoxicated at time of arrest OR charged with an OWI case and qualifies for supervision
GPS Monitoring	Defendant charged with a felony non-OWI offense, is subject to DMI Step 2 OR scored Level 5 Supervision and charged with a violent offense OR Concern for victim safety

# OUTAGAMIE COUNTY PRETRIAL SERVICES VIOLATIONS GUIDE (draft 01.04.17)

PRETRIAL VIOLATION SEVERITY		
MINOR VIOLATIONS	MODERATE VIOLATIONS	SEVERE VIOLATIONS
Definition: Involves violations that show a lapse in judgment and do not cause harm to themselves or others.	Definition: Violations that appear to show a disregard for court orders and pretrial supervision but did not cause harm or potential harm to others.	Definition: Violations that appear to show a willful and/or repeated disregard for court orders and pretrial supervision, and/or violations which cause or present a risk of harm to themselves and/or others.
Disruptive behavior in PTS Office	Failure to comply with special bond conditions	Failure to complete a violations response (at PTS discretion)
Failure to call in at designated date/time	Failure to report a new arrest	Missed court date FTA
Failure to pay supervision fees	Failure to respond to call or communication from PTS within 24 hours	New misdemeanor and felony criminal charges
Failure to report address/phone # change	Missed scheduled appointment w/ case manager	Tamper/attempt to tamper UA
Failure to report after court	Positive drug test/refusal	Violations of no contact order
Failure to report police contact	Insufficient UA/Diluted UA/Refusal to follow collection protocol	Repeated* moderate severity violations
Late to scheduled office appointment without acceptable excuse	Repeated* minor severity violations	
New charges - traffic infractions/forfeitures		
Failure to comply with verification (i.e., work schedules, doctor's notes of visits or other paper documentation)		

\*Repeated=More than two events within the period of supervision (PTS case manager has discretion)

PRETRIAL VIOLATIONS RESPONSE MATRIX			
MONITORING LEVEL	MINOR VIOLATION	MODERATE VIOLATION	SEVERE VIOLATION
BASIC	Low Response	Medium Response	High Response
ENHANCED	Low Response	Medium Response	High Response
INTENSIVE	Low Response	Medium Response	High Response

RESPONSE DEFINITIONS	
MINOR RESPONSE	Verbal warning, review release conditions with defendant, consult with attorney, consult with family/support, <b>role clarification, use of disapproval</b>
MEDIUM RESPONSE	Meet with attorney and defendant (staffing), reflective writing assignment/BITS/Carey Guides/thinking reports, increase frequency of chemical testing, refer for AODA assessment, refer for mental health services, increase monitoring level, consult with AODA/MH treatment provider, <b>Event worksheet, Risk Mitigation Plan</b>
HIGH RESPONSE	Must notify court, ADA, defense attorney: may request additional bail conditions (for example: SCRAM, GPS, curfew, chemical testing, treatment, etc.), request bail hearing, return to custody, <b>Court Appearance Plan, Thinking Model</b>

The goals of responding to violations is to address behavior in order to increase court appearance, decrease violations of bond and decrease new criminal offenses while on pretrial release.





# Mission

SSTOP strives to be accessible, efficient, and responsive to our offenders' rehabilitation needs and community responsibilities. SSTOP makes every effort to keep the community safe, to keep the offender in the community with their families, while maintaining their employment. SSTOP also encourages the offender to change their behavior and reduce DWI recidivism rates through intensive SSTOP and Court supervision and treatment.



**Develop YOUR Driver Safety Plan**



## Criminal Justice Treatment Services Safe Streets Treatment Options Program

**Case Manager:**  
227 S. Walnut Street  
Appleton, WI 54911

**Shaula Grossman**  
Phone: 920.832.5160  
Fax: 920.832.2473

### Hours of Operation:

*Monday through Friday*  
8:00 a.m. - 4:30 p.m.

**OR**

*By Scheduled Appointment*

**COUNTY CRISIS INTERVENTION / HELP LINE**  
920-832-4646 **OR** 1-800-719-4418



**Website:**  
[outagamie.org/index.aspx?page=1388](http://outagamie.org/index.aspx?page=1388)



Facebook

## Safe Streets Treatment Options Program



**YOUR NEXT COURT DATE:**

\_\_\_\_ / \_\_\_\_ / \_\_\_\_

A Program of  
Criminal Justice Treatment Services (CJTS)  
Address: 227 S. Walnut Street, Appleton, WI 54911  
Telephone : 920.832.5160

## Frequently Asked Questions

### How do I learn more information about SSTOP?

You may contact the CJTS office at 920.852.5160 or in person at 227 S. Walnut Street, Appleton, WI 54911.

### Who is Eligible for SSTOP?

- Residents of Outagamie, Winnebago, Waupaca counties or within the city limits of Appleton at the time of conviction.
- A person with a 2nd or 3rd OWI offense *without prior participation in SSTOP*.
- Convictions in Outagamie, Winnebago or Waupaca counties only.
- May not be on Active Community Supervision with the Department of Corrections.

### Are the OWI/IDP Assessment and SSTOP Program the Same Thing?

No. The Intoxicated Driver Program Assessment is a separate mandatory assessment for every individual convicted of an OWI. In addition to the assessment, a Judge may order an individual to complete SSTOP as part of their sentence. If a person is sentenced to both, they *must* complete each.

### How will SSTOP affect my jail sentence?

If an individual is sentenced to SSTOP, the Judge will rule that a portion of the sentenced jail days are Stayed. This means that a person will not be required to serve those additional Stayed jail days if they successfully complete SSTOP. However, if they do not successfully complete SSTOP, they will then be required to serve the remaining Stayed jail days.

## FAQ's Continued

### How long will the Ignition Interlock Device (IID) be installed in my vehicle(s)?

The amount of time a person is required to have an Ignition Interlock Device installed on all vehicles registered in their name is determined by the Judge at the time of sentencing. *The Outagamie County jail will require you to be in compliance with all court-ordered conditions in order to be eligible for release on GPS. This includes installation of the IID on all vehicles registered in your name before granting GPS. However, the Department of Transportation will NOT start counting IID time toward the sentence until BOTH the IID is installed AND you are issued either an occupational or regular drivers license.*

### How do I get in to SSTOP?

The process for screening SSTOP participants has changed effective January 1<sup>st</sup> 2016.

A list of potential 2nd and 3rd OWI cases is sent to CJTS for screening. Eligible cases are then sent to the District Attorney's office prior to the Court sentencing date.



# S S T O P      G u i d e l i n e s

- A \$25 per month fee is required for all participants in SSTOP (\$300/year)
- No criminal law violations
- Must maintain absolute sobriety
- No association with persons who are unhelpful of your best interests
- Notification of police contact or arrest
- Notification of change of residences, employment, or leaving the state
- Abide by the rules and directives of SSTOP
- Prompt reply to either SSTOP/CJTS staff or a representative of the Court
- Submission and payment of chemical screens.
- The results of the screen may be reported to the Court
- Understanding that you can be referred back to the Court for a violation of either a court-ordered condition or the rules of SSTOP
- Perform community service hours, if required
- Meet as scheduled with a Case Manager
- Pay the determined amount of financial obligations in full
- If any illegal or criminal behaviors are relayed to a Case Manager it must be reported
- Attend any counseling or assessments deemed appropriate
- IID reports will be received by Case Manager

## OUTAGAMIE COUNTY PRETRIAL SERVICES VIOLATIONS GUIDE (draft 01.04.17)

PRETRIAL VIOLATION SEVERITY		
MINOR VIOLATIONS	MODERATE VIOLATIONS	SEVERE VIOLATIONS
Definition: Involves violations that show a lapse in judgment and do not cause harm to themselves or others.	Definition: Violations that appear to show a disregard for court orders and pretrial supervision but did not cause harm or potential harm to others.	Definition: Violations that appear to show a willful and/or repeated disregard for court orders and pretrial supervision, and/or violations which cause or present a risk of harm to themselves and/or others.
Disruptive behavior in PTS Office	Failure to comply with special bond conditions	Failure to complete a violations response (at PTS discretion)
Failure to call in at designated date/time	Failure to report a new arrest	Missed court date FTA
Failure to pay supervision fees	Failure to respond to call or communication from PTS within 24 hours	New misdemeanor and felony criminal charges
Failure to report address/phone # change	Missed scheduled appointment w/ case manager	Tamper/attempt to tamper UA
Failure to report after court	Positive drug test/refusal	Violations of no contact order
Failure to report police contact	Insufficient UA/Diluted UA/Refusal to follow collection protocol	Repeated* moderate severity violations
Late to scheduled office appointment without acceptable excuse	Repeated* minor severity violations	
New charges – traffic infractions/forfeitures		
Failure to comply with verification (i.e., work schedules, doctor's notes of visits or other paper documentation)		

\*Repeated=More than two events within the period of supervision (PTS case manager has discretion)

PRETRIAL VIOLATIONS RESPONSE MATRIX			
MONITORING LEVEL	MINOR VIOLATION	MODERATE VIOLATION	SEVERE VIOLATION
BASIC	Low Response	Medium Response	High Response
ENHANCED	Low Response	Medium Response	High Response
INTENSIVE	Low Response	Medium Response	High Response

RESPONSE DEFINITIONS	
MINOR RESPONSE	Verbal warning, review release conditions with defendant, consult with attorney, consult with family/support, role clarification, use of disapproval
MEDIUM RESPONSE	Meet with attorney and defendant (staffing), reflective writing assignment/BITS/Carey Guides/thinking reports, increase frequency of chemical testing, refer for AODA assessment, refer for mental health services, increase monitoring level, consult with AODA/MH treatment provider, Event worksheet, Risk Mitigation Plan
HIGH RESPONSE	Must notify court, ADA, defense attorney: may request additional bail conditions (for example: SCRAM, GPS, curfew, chemical testing, treatment, etc.), request bail hearing, return to custody, Court Appearance Plan, Thinking Model

The goals of responding to violations is to address behavior in order to increase court appearance, decrease violations of bond and decrease new criminal offenses while on pretrial release.



## Wisconsin Pretrial Decision Making Framework

Version 3 (10/26/2016)

	NCA 1	NCA 2	NCA 3	NCA 4	NCA 5	NCA 6
FTA 1	Level 1 & ROR	Level 1 & ROR				
FTA 2	Level 1 & ROR	Level 1 & ROR	Level 2 & ROR	Level 3 & ROR	Level 4 & ROR	
FTA 3		Level 2 & ROR	Level 2 & ROR	Level 3 & ROR	Level 4 & ROR	Level 5 & ROR
FTA 4		Level 2 & ROR	Level 3 & ROR	Level 4 & ROR	Misd. - Level 5 & ROR Fel. - Level 4 & ROR	Level 5 & ROR
FTA 5		Level 3 & ROR	Level 3 & ROR	Misd. - Level 4 & ROR Fel. - Level 5 & ROR	Level 5 & ROR	Level 5 & ROR
FTA 6				Level 5 & ROR	Level 5 & ROR	Level 5 & ROR

	Level 1	Level 2	Level 3 (Standard)	Level 4 (Enhanced)	Level 5 (Intensive)	Level 5 (Intensive)
Ball	ROR	ROR	ROR	ROR	ROR	Cash
TOT	No	No	Yes	Yes	Yes	Yes
Face-to-Face Contact	No	No	1x/month	Every other week	Weekly	Weekly
Alternative Contact	No	1x/month	1x/month	Every other week	No	No
Supervised Conditions	No	No	As authorized	As authorized	As authorized	As authorized
Court Date Reminder	No	Yes	Yes	Yes	Yes	Yes
Criminal History/CJIS	No	Yes	Yes	Yes	Yes	Yes

## Authorized Conditions

Condition	Authorized
Drug Testing	Defendant Level 3 or greater supervision on the DMF AND Scores 3 or greater on UNCOPE AND has a history of illegal drug use/abuse
Portable Breathalyzer	Defendant Level 3 or greater supervision according to DMF AND Scores 3 or greater on UNCOPE AND (has a history of problematic alcohol use/abuse OR current alcohol abuse) OR charged with an OWI case AND qualifies for supervision
Absolute Sobriety	Defendant has UNCOPE of 3 or greater and a history of alcohol abuse or current alcohol abuse OR Police report and/or criminal complaint indicate the defendant was intoxicated at time of arrest OR charged with an OWI case and qualifies for supervision
GPS Monitoring	Defendant charged with a felony non-OWI offense, is subject to DMF Step 2 OR scored Level 5 Supervision and charged with a violent offense OR Concern for victim safety
SCRAM	Defendant charged with an OWI offense and qualifies for Level 3 Supervision according to the DMF AND if any 1 of the following is true: Scores 3 or higher on UNCOPE OR Currently on pretrial release for an OWI at time of alleged new OWI OR Charged with 3rd or greater OWI. If defendant does not qualify for supervision, private pay SCRAM is an option depending upon program capacity

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# Assessment of the “Safe Streets Treatment Options Program” (SSTOP)

Presented to: Outagamie County

Presented by: Tina L. Freiburger, Ph.D., Alyssa Pfeiffer, M.S., University of Wisconsin-  
Milwaukee

June 23, 2017

## Safe Streets Treatment Options Program (SSTOP): Assessment

### Introduction

University of Wisconsin-Milwaukee professor, Dr. Tina L. Freiburger, was approached by Outagamie County to assist in an effort to move toward evidence-based programing and decision-making in the county. This led to an initial evaluation of the "Safe Streets Treatment Options Program (SSTOP)." This assessment is an examination of whether SSTOP is effective in reducing recidivism among 2<sup>nd</sup> and 3<sup>rd</sup> time Operating While Intoxicated (OWI) offenders. This report presents the findings, a discussion of findings, conclusions and recommendations.

### Background

#### *Safe Streets Treatment Options Program (SSTOP)*

Wisconsin is among the highest in the nation in regards to its frequency of binge drinking and alcohol-impaired driving. From 2011 to 2014, approximately 64-67% of adults in Outagamie County who were 18 years of age and older reported alcohol use; and roughly 25-28% of adults reported binge drinking (Wisconsin Department of Health Services, 2016). In 2013, there were 120 alcohol-impaired crashes, with two people killed and 66 people injured in Outagamie County (Wisconsin Department of Transportation, 2017, February 23). Furthermore, Outagamie County (2016) reports that 40% of traffic fatalities in the past years were committed by those under the influence of alcohol or other drugs. These statistics pose significant problems to the jurisdiction, and thus efforts have been made to develop interventions that will reduce driving-impaired offenses.

The Safe Streets Treatment Options Program (SSTOP) began in 2010 in Outagamie County; and is largely based on the previously developed program operating in Winnebago

County, WI (Outagamie County, 2017). Results of a study conducted by Winnebago's SSTOP team found an 11% recidivism rate among OWI offenders who had successfully completed the SSTOP program (Responding to dangerous addictions, 2012, March 12). It was with hopes that Outagamie County could produce similar results within their district.

The mission of SSTOP is to provide treatment that is accessible, efficient, and responsive to offender's rehabilitation needs and community responsibilities (Olig. n.d.; Outagamie County, 2017). SSTOP strives to keep the offender in the community, while also maintaining employment, to encourage them to change their behavior and reduce OWI recidivism rates through intensive supervision, education, and treatment (Olig. n.d.; Outagamie County, 2017; Winnebago County, n.d.). SSTOP is a one-year program that allows the offender to opt for reduced jail time and to participate in probation and treatment that will provide them with the tools they need to avoid future arrests.

Individuals are eligible to participate in SSTOP if they have a 2<sup>nd</sup> or 3<sup>rd</sup> OWI offense. In addition, participants must be a resident of, as well as received their present conviction in Outagamie, Winnebago, or Waupaca County (or within the city limits of Appleton, WI). SSTOP is a voluntary program, where individuals must agree to abide by the SSTOP program rules and complete an intake assessment and screening by SSTOP staff. Participants of SSTOP can be terminated from the program at any time for any of the following reasons: new criminal arrests or charges, violent behavior, failure to comply with program rules, or moving to a residence in a SSTOP ineligible county (Outagamie County, 2017).

Once an individual has volunteered to enter the program, they are referred to an initial assessment facility. This assessment then allows for recommendations to be made for educational programming, treatment options, or a combination of the two. Based on the

individual's needs, participants may be referred to programs such as grieving/family/divorce/individual counseling, budgeting classes, anger management groups, domestic abuse groups, education, and/or employment assistance (e.g., resume building or job searching) (Outagamie County, 2017). In addition, most 2<sup>nd</sup> OWI offenders are court-ordered to attend a victim impact panel. A case manager then monitors the participant's treatment and compliance to SSTOP program rules through monthly (or more frequent) appointments. It is the role of the case manager to advocate for their clients, provide resources to treatment services and community-based organizations, prepare reports for the court when required, and assure compliance to the program rules and assigned programming (Outagamie County, 2017).

### Methods

The treatment group for this evaluation was comprised of individuals who were admitted to the SSTOP program in the years 2012 and 2013. Clients were referred to the program by a district attorney, public defender, bar association, treatment provider, judge or self; and were approved by the sentencing Circuit Court Judge. The county supplied the names of these participants, as well as data on Prohibited Alcohol Concentration (PAC) levels, education levels, demographic information, days of jailed served, and days of jail saved due to participating in SSTOP.

The county also provided names and demographic data of all individuals who were convicted of a 2<sup>nd</sup> or 3<sup>rd</sup> OWI offense in 2009 and 2010, before the SSTOP program was fully implemented. Data from 2011 was not used because SSTOP was partially implemented during that year and its availability to offenders was not consistent. Therefore, the comparison group was comprised from the 2009 and 2010 data using Propensity Score Matching. Propensity Score Matching is a statistical technique used to find a comparable "match" for every individual in the

treatment group. The observed characteristics for gender, race, age, 2<sup>nd</sup> or 3<sup>rd</sup> OWI offense, number of prior misdemeanor charges, and number of prior felony charges were used to create a score (ranging between 0 and 1) that indicated each person's probability of being included in the treatment group. The propensity score was then used to create a matched sample of treatment and comparison participants. In essence, the propensity score is a balancing score of observed covariates, meaning the distribution of the covariates are the same for the treatment and comparison groups. Direct comparisons can then be made between the two groups on specific outcomes central to the research. Of the original 349 individuals who completed SSTOP, an equivalent match was found for 346 (99% of the participants). For the subsequent analysis, only those 346 individuals and their matches were included for a total sample size of 692 individuals.

### Sample

The characteristics of the participants in the SSTOP groups for 2012 and 2013, as well as the comparison group (containing 2009 and 2010 data) are presented in Table 1. As shown in the table, the groups were comparable for most of the characteristics examined. A slightly higher number of individuals participated in SSTOP after receiving a second OWI offense (N=204); and the comparison group contained a higher number of OWI-2<sup>nd</sup> offenses as well (N=212). Most of the participants successfully completed the SSTOP program (N=276), with 44 offenders being revoked and only 3 individuals quitting on their own. At the time of arrest, the most common PAC levels was either between 0.100-0.199 (N=157) or between 0.200-0.299 (N=144). Across the entire sample of SSTOP participants, individuals had, on average, 2.11 prior misdemeanors; which ranged from zero to 22 prior misdemeanors. The comparison group had a slightly higher average of prior misdemeanors (2.27), with a range of zero to 21 priors. Moreover, SSTOP participants on average had 0.19 prior felonies, with a range of zero to five prior felonies.

Table 1: SSTOP Participant Characteristics

	SSTOP Participants (N = 346)	Comparison Group (N = 346)
Offense Characteristics		
2 <sup>nd</sup> OWI	204	212
3 <sup>rd</sup> OWI	142	134
Program Characteristics**		
Successful Completion	276	--
Revoked	44	--
Quit on Own	3	--
Gender		
Male	269	265
Female	77	81
Race/Ethnicity		
Black	16	14
White	287	289
Hispanic	20	22
Asian	12	14
Indian	4	6
Other	7	1
Education		
Yes	313	--
No	25	--
PAC Levels**		
Below 0.099	11	--
0.100 – 0.199	157	--
0.200 – 0.299	144	--
Above 0.300	23	--
Continuous Variables		
Age	34.96	35.20
Lock Up (in days)**	0.8613 (range 0-44)	--
Lock Up Saved (in days)**	2.6377(range 0-10)	--
Prior Misdemeanors	2.11 (range 0-22)	2.27 (range 0-21)
Prior Felonies	0.19 (range 0-5)	0.26 (range 0-7)
Recidivism	0.92 (range 0-16)	0.95 (range 0-10)

\* Some discrepancies exist between cell totals due to missing data

\*\* Data for these variables were not available for the comparison group

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The comparison group again received a marginally higher number of average prior felonies (0.26), with a range of zero to seven priors.

Demographically, the majority in both groups was male and White individuals. Particularly related to the SSTOP treatment group, most participants had a high school education. The mean age for the SSTOP participants was 34.96 years, and the mean age for the comparison group was 35.20 years. A statistical test indicated that the SSTOP and comparison groups did not differ statistically on any of the variables. Therefore, it is unlikely that the outcomes would be differently impacted.

#### Measures of Recidivism

Recidivism was examined through five measures. UWM student research assistants collected all recidivism data from Wisconsin Circuit Court Access (CCAP). The first measure counted new charges. All charges were included in this measure, despite the outcome. Therefore, charges that were dismissed but read in and those that were dismissed by the prosecutor were included. The second measure counted only cases for which there was a conviction. Cases in which the defendant was found not guilty were not included in this measure. The third measure was for incarceration and only included cases in which the defendant was sentenced to a term of incarceration in either jail or prison. Next, a measure for subsequent OWI convictions was included; no convictions for other offenses were included in this measure. Lastly, the number of days for which a defendant was sentenced to jail were included. Only days for subsequent charges were counted (days spent in jail for the initial OWI case were not included). Because only 12 cases resulted in a prison term (3 in the SSTOP group and 9 in the comparison group), days in prison were not analyzed due to the small sample size.



The follow-up time was set at three years for both groups to allow for an equivalent comparison. Therefore, recidivism for the 2009 comparison group was only collected from their sentencing dates through 2012. For the 2010 group, recidivism was collected up until 2013. For the SSTOP groups, recidivism data was collected through 2015 for the 2012 group, and 2016 for the 2013 group. This prevents error from being introduced into the analysis by having a longer follow-up time for the comparison participants than the SSTOP participants.

### Findings

For the analysis, each measure of recidivism was first examined as a dichotomous variable for those who had no cases (zero) and those who had one or more cases (one). The results are presented in Table 2. For all outcomes, a higher percentage of offenders in the SSTOP group fell into the zero category. In other words, fewer SSTOP participants had subsequent charges brought against them, convictions, subsequent incarcerations, and OWI convictions than those in the comparison group. McNemar's test was used to determine whether the differences in the outcomes were statistically significant. As shown in the table, the SSTOP group and the comparison group did not differ significantly in their likelihood of receiving another charge. In other words, the possibility cannot be eliminated that the differences in this outcome for the SSTOP and comparison group were due to chance and were not meaningful differences. The SSTOP group was significantly less likely to have a subsequent conviction, be incarcerated and receive another OWI conviction than the comparison group. This means it is unlikely that these results are due to chance. Instead, these differences can be attributed to the SSTOP program.

*Table 2: Dichotomous Measures of Recidivism*

	Comparison	SSTOP	Chi-Square
New Charges			
None	181 (52%)	205 (59%)	3.06
One or More	165 (48%)	141 (41%)	
Convictions			
None	204 (59%)	242 (70%)	8.89**
One or More	142 (41%)	104 (30%)	
Incarceration			
None	262 (76%)	292 (84%)	7.38**
One or More	84 (24%)	54 (16%)	
OWI Conviction			
None	293 (85%)	312 (90%)	4.32*
One or More	53 (15%)	34 (10%)	

The second set of analyses examined the number of new charges, number of new convictions, times incarcerated, number of subsequent OWIs, and total days in jail for subsequent charges for each group. The results are presented in Table 3. Examination of the means show that the means for the SSTOP group were lower than the means of the comparison group. T-tests were utilized to determine if these differences were statistically significant.

*Table 3: Total Counts of Recidivism*

	Comparison	SSTOP	T-test
Number of New Charges			
Mean	.939	.867	.591
Standard Deviation	1.4	1.6	
Number of Convictions			
Mean	.749	.564	2.08*
Standard Deviation	1.2	1.1	
Times Incarceration			
Mean	.353	.220	2.51*
Standard Deviation	.75	.61	
Number of OWI Conviction			
Mean	.186	.131	1.62
Standard Deviation	.48	.39	
Days in Jail			
Mean	30.49	17.56	2.60*
Standard Deviation	78.0	57.56	

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As shown in the table, the t-statistic indicates that the SSTOP group and the comparison group did not differ significantly in the number of new charges they received nor in the number of subsequent OWI convictions. It cannot be ruled out, therefore, that the possibility that the difference in the SSTOP and comparison group means is due to chance. The groups did, however, differ significantly in the number of convictions, number of times incarcerated, and number of days in jail, with the SSTOP group having significantly fewer convictions, times incarcerated, and being sentenced to fewer days in jail than the comparison group. These differences can be attributed to the SSTOP program.

The following graphs provide a vision representation of the totals for the significant recidivism measures. Graph 1 presents the total number of subsequent convictions for the SSTOP and comparison group participants. The graph indicates that the SSTOP group participants had almost 36% fewer convictions than the comparison group participants.

*Graph 1: Total Number of New Convictions*



Total number of subsequent convictions for the SSTOP and comparison groups is presented in Graph 2. Examination of the graph shows that the SSTOP group participants had 22% fewer new incarcerations than the comparison group participants.

*Graph 2: Total Number of New Incarcerations*



The total number of days spent in jail for the two groups is presented in Graph 3. Only days spent in jail for convictions after the initial charge are included; days spent in jail for the initial 2<sup>nd</sup> or 3<sup>rd</sup> OWI conviction are not included. Examination of these numbers indicate that the SSTOP group spent 27% fewer days in jail than the comparison group.

*Graph 3: Total Number of Days Spent in Jail*



The finding of significance for the dichotomous measure of OWI (but not the number of OWIs) is likely due to the small number of individuals receiving more than one additional subsequent OWI. The frequency numbers for OWIs delineated by group is presented in Table 4 and in the Graph 4.

*Table 4: OWI Frequency Differences*

Group	One New OWI	Two New OWIs	Three New OWIs	Total New OWIs
SSTOP (N=346)	33	6	0	45
Comparison (N=346)	42	10	1	65

*Graph 4: Total Subsequent OWIs by Group*



The comparison group had a total of 65 additional OWIs, with 42 offenders receiving one additional OWI, 10 receiving two additional OWIs and one offender receiving three additional OWIs. In the SSTOP group, 33 individuals received another OWI, six offenders received two subsequent OWIs and no offenders received three or more. The total OWIs for the SSTOP group was 45. Therefore, after three years, the SSTOP group had 20 fewer OWIs than the comparison group; **a 31% reduction in total OWIs.**

### Conclusions

The data indicate that SSTOP is effective in reducing recidivism among participants. SSTOP participants had significantly fewer convictions, subsequent sentences to incarceration, were sentenced to fewer days incarcerated in jail for subsequent offenses, and were less likely to receive another OWI conviction. The findings further indicate that SSTOP resulted in a 31% reduction in OWI offenses.

Participating in SSTOP also resulted in offenders serving an average of 1.6 fewer days in jail for 2<sup>nd</sup> offense OWI charge offenders and 4.1 days for 3<sup>rd</sup> offense OWI offenders. The

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program has the potential, therefore, to save the county money by reducing recidivism as well as reducing incarceration time for the initial charge.

### Recommendations

Based on the data, we recommend the following:

1. Outagamie County should continue to utilize the SSTOP program to reduce recidivism among 2<sup>nd</sup> and 3<sup>rd</sup> OWI offenders.
2. To better determine the impact of SSTOP on recidivism, follow-up time should be extended beyond three years. At the time of data collection, three years was the longest period possible. Adding additional years will provide a better assessment of SSTOP's impact on recidivism long-term.
3. The county should continue their effort to evaluate programing aimed at reducing recidivism. We recommend building on the assessment of SSTOP as a foundation for assessments of other efforts undertaken and underway.

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## REFERENCES

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**PROCEEDINGS OF THE BROWN COUNTY**  
**PUBLIC SAFETY COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the Brown County Public Safety Committee was held on Wednesday, August 2, 2017 at the Brown County Sheriff's Office, 2684 Development Drive, Green Bay, Wisconsin.

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**Present:** Chair Buckley, Supervisor Clancy, Supervisor Evans, Supervisor Zima, Supervisor Nicholson  
**Also Present:** Supervisor Schadewald, Medical Examiner Director of Operations Barry Irmen, TAD Grant Coordinator Mark Vanden Hoogen, Lt. Jim Valley, Lt. Kevin Kinnard, Public Safety Communications Director Cullen Peltier, Director of Emergency Management Jerad Preston, District Attorney David Lasee, Sheriff John Gossage, Chief Deputy Todd Delain, Clerk of Courts John Vander Leest, Judge Zuidmulder, Hobart Village President Richard Heidel, Attorney Frank Kowalkowski, Hobart Administrator Aaron Kramer, Hobart Chief of Police Randy Bani, other interested parties.

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**I. Call meeting to order.**

The meeting was called to order by Chair Buckley at 11:04 a.m.

**II. Approve/Modify Agenda.**

A request was made to move Items 15 and 16 to follow Comments by the Public.

Motion made by Supervisor Clancy, seconded by Supervisor Evans to approve as modified. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**III. Approve/Modify Minutes of June 7, 2017.**

Motion made by Supervisor Evans, seconded by Supervisor Clancy to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**Comments from the Public.** None.

*Although shown in the proper format here, Items 15 and 16 were taken at this time.*

**1. Review Minutes of:**

- a. Criminal Justice Coordinating Board (May 11, 2017).
- b. Fire Investigation Task Force Board of Directors (March 9, 2017).
- c. Fire Investigation Task Force General Membership (March 2, 2017).
- d. Local Emergency Planning Committee – LEPC (May 9, 2017).

Motion made by Supervisor Zima, seconded by Supervisor Evans to receive and place on file Items 1 a-d. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**Sheriff**

**2. Budget Status Financial Report for May & June 2017 (Unaudited).**

Sheriff John Gossage informed that currently expenses are at 48% which is roughly what is expected. The jail overtime was budgeted at \$483,000 for the year, however, Gossage expects to end the year around \$540,000 - \$550,000 in overtime. This is because they are very low in hiring due to the lack of candidates. Currently there are six vacancies and they will probably be at seven vacancies soon. Gossage said they have a continual application process and are also doing some marketing to get interest from students in the community. He also noted they will be over budget on the shipping of inmates to other facilities. They have exhausted the \$182,000 that was budgeted for the year and based on the current rates of shipping 70 inmates out, at the end of the year they will be \$500,000+ over budget.

Buckley would like to have a standing item on each Public Safety agenda to have an update on the jail addition. Gossage said the he can have his staff attend as well to keep the Committee updated.

Supervisor Zima said there have been numerous discussions regarding the reasons the jail is overcrowded and he feels this needs to be formalized. He noted the length of stay in the jail is double what it is used to be and it is because of processing. The County is spending a lot of money shipping inmates out because the processing is falling behind and Zima feels Administration needs to start budgeting for the necessary people, whether the State provides help or not. The building of a jail is a very large expenditure and Zima feels there are things that can be done to reduce the jail population. He feels if the length of stay in the jail was the same as it was 10 years ago, we probably would not be under the pressure we are right now and not spending the amounts of money we are shipping inmates out. Zima feels we need to start doing something right now to solve this basic problem. Gossage responded that the issues are more systemic based on the criminal justice system. He noted that there are a lot of moving parts; the judges, district attorneys, public defenders as well as pre-sentenced inmates. Zima is not criticizing the Sheriff, but there have been discussions and we know what the problems are and it is time for the County to do something to solve the systemic problems that are causing the overcrowding.

Buckley said we need to work on the State because the State is managing the prison population by not allocating any more money for DAs and Public Defenders. Zima understands this but feels the County needs to figure out what it will cost to handle our problems and then determine if it is better to build a jail or fund some of the things the State is supposed to be funding and put our legislators on the spot. The public has a right to know and has to know what is going on and that the backlog in the jail is what is creating the problems. The current average time in the jail is about 67 days and it used to be in the 30s. Gossage said part of the increase in the length of stay is that there are more arrests on drug issues and ICAC issues and these are felony arrests which result in a longer time in the facility.

Zima would like to see a cost analysis of what it would cost to take care of the systemic problems versus building and staffing a new jail. Buckley feels this may be a good project for the Criminal Justice Coordinating Board and suggested a communication be brought to refer this to the Criminal Justice Coordinating Board.

Supervisor Schadewald said this reminds him of the late 1990s when they looked at issues at the jail. He feels this needs to be formalized and he intends to put a communication in at the next County Board meeting. Before a jail is built, we need to look at the trends and realities. There are a lot of parts to this system and Schadewald feels we need to have some in depth discussions with the parties involved and get the most in depth knowledge we can to make an informed decision. He feels this needs to be looked at from all angles such as the judge's schedules, the DA's schedule and the inmates asking for adjournments and the crimes being committed. He would like to see a core group formed to work on this which would include some County Supervisors.

Zima said this issue has been talked about long enough and it is now time to get something done. Supervisor Evans said the Criminal Justice Coordinating Board has a lot of information on this issue. Zima wants to see a cost comparison and then do something and in the meantime, he feels we need to go to work on the people at the State level.

Motion made by Supervisor Zima that the Sheriff meet with the parties to come up with a budget of what staff would be needed to reduce the length of time people are staying in the jail due to slow processing. No second, no vote taken

Evans said the Criminal Justice Coordinating Board includes the judges, the Sheriff, the DA, the Green Bay Police Chief, Public Defenders and Probation and Parole and he feel that may be a good place to start with this. Zima wants this to come back to this Committee. Chair Buckley feels a referral on this should come in the form of a communication at the County Board.

Buckley asked that this be forwarded to the Criminal Justice Coordinating Board with a notation that Supervisor Evans requests the Chair of that Board to place this item on the next agenda.

Motion made by Supervisor Zima, seconded by Supervisor Evans to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

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